

**TOWN OF PARMA
ZONING BOARD OF APPEALS
DECEMBER 15, 2021**

Members Present: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Members Excused: Veronica Robillard

Others Present: Mark Lenzi

Public Present: Brenda Paine, Fitch Construction; Brian Kogler, Fitch Construction; John Gebbie

The meeting was called to Order by Acting Chairperson Melville at 7:00 p.m.

Acting Chairperson Melville explained the function and decision-making process of the Zoning Board of Appeals and noted notice of the meeting was published in the Suburban News, the Town Bulletin Board, and the website. Residents within 500 feet of an application were notified in writing. He noted this is a five-member board with 4 seated members. A quorum of three is required to pass a motion. He introduced the members of the Board, Secretary and Executive Secretary.

MINUTES OF NOVEMBER 17, 2021

The ZBOA minutes of November 17, 2021, were reviewed. **Motion** was made by Greg Colavecchia to approve the November 17, 2021, minutes as presented. **Seconded** by Stephen Shelley. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

TABLED FROM NOVEMBER 17, 2021

1. CHRISTOPHER & KAREN BUCK, OWNERS OF 565 PECK ROAD

The applicant is requesting a special permit from the Zoning Board of appeals in accordance with Town Zoning, Article V, subsection 165-32(D)(12) for a 1,287 Sq. Ft. accessory apartment. The special permit request is subject to the requirements of Town Zoning Article IX, subsection 165-76. The accessory apartment is proposed to be larger than the allowed 550 sq. ft. The property is zoned Rural Residential.

The applicant withdrew the application.

NEW BUSINESS

2. JOHN GEBBIE, OWNER OF 107 BAILEY ROAD

The applicant is requesting relief from Town Zoning, Article V, subsection 165-31C(2) to allow the construction of a 1,080 sq. ft. addition onto an existing 2,400 sq. ft. pole barn. The total size of the accessory structure is proposed to be 3,480 sq. ft. +/- . Town code allows for a total of 2000 sq. ft. for accessory structures. This property is zoned Agricultural Conservation.

John Gebbie, owner, stated he would like to put an addition on his barn for storage. He was approved for a 3,000 sq. foot barn approximately 10 years ago with a lean to which was never built due to financial circumstances at the time. A layout of the belongings to be stored in the structure was handed out to the Board. The addition will be to mainly house his camper (8.5 ft. wide), Jet skis, and 3 wheelers/4 wheelers. He currently pays for offsite storage. He also is storing vehicles, wheelbarrows, and cement mixers. Acting Chairperson Melville asked what kind of business he owns. The applicant stated it's landscaping. Acting Chairperson Melville asked if he needed any kind of permit from the Town to operate the business. Mark Lenzi said that the business is not running onsite so there is nothing additional needed by the Town.

Board Discussion: Mark Lenzi reported notifications were in order, the request was returned by Monroe County with no comment. This is a Type II action; no further review required. There are no letters in the file. Mark Lenzi feels this is not too big with the camper.

Acting Chairperson Melville asked if they could work within the 3000 sq. ft. approved at a previous meeting. The applicant stated that he does not have room to walk around the equipment. Mr. Gebbie said his property is 13 acres, his closest neighbor is 100's of feet away. He has spoken to the neighbors that stated they do not have an issue with this addition and he provided a letter of approval signed by five neighbors (Nicholas DiFeo, Robert Hooker, Anthony Borrelli, Robert Faulkner II, Brock and Stephanie Barry) and an individual letter from Bruce Buell, 119 Bailey Road, which was read into the record stating that he does not have any objections to the application. This structure will not extend into the trees. The flooring will be stone for now. There was discussion about the height of 12' for the main wall.

Public Comment: None

Public Hearing Closed

A motion was made by Greg Colavecchia to **approve** the application of John Gebbie, owner of 107 Bailey Road, to allow the construction of a 1,080 sq. ft. addition onto an existing 2,400 sq. ft. pole barn **granting** relief from Town Zoning Article V, subsection 165-31(3)2. The total size of the accessory structure is proposed to be 3,480 sq. ft. +/- . Town Code allows for a total of 2,000 sq. ft. for accessory structures. This property is zoned Agricultural Conservation. The applicant was previously approved for a 3000 sq. ft. structure; however, at the time circumstances were such that he was unable to utilize the

full 3000 sq. ft. variance that was granted so in essence this is only 480 sq. ft. more than what was originally approved. Considering the balancing test, the Board finds the following:

- The benefit *cannot* be achieved by other means feasible to the applicant. The applicant provided a layout of the structure and what will be stored. This will preserve the equipment from damage if stored outside and the applicant will not have to continue paying for offsite storage. The benefit which he is seeking cannot be achieved by other means.
- There will be *no* undesirable change in neighborhood character or to nearby properties; this will be added to an existing structure which sits behind the trees on the property.
- The request *is* substantial. The applicant is seeking 1,480 sq. ft. over what has been allowed; however, he has already been granted a variance up to 3,000 sq. ft. Taking that into consideration, he is only asking for an additional 480 sq. ft. reducing the impact that this has on the decision.
- There will be *no* adverse physical or environmental effects.
- The alleged difficulty *is* self-created due to the amount of equipment and vehicles. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the community.

Seconded by Stephen Shelley. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

3. ELLEN STEVENS, OWNER OF 181 BAILEY ROAD

The applicant is requesting relief from Town Zoning, Article V, subsection 165-31E(1) to allow the construction of a 240 sq. ft addition (4 Season Room) to the rear of the home with a side setback of 6.3' and a front setback of 41'. The existing home's front setback is approximately 25'. Town Code requires a 25' side setback and a 60' front setback. This property is zoned Agricultural Conservation.

Mark Lenzi asked if the applicant had notifications done. The representatives for the applicant did not have proof that notifications were sent out. Brenda Paine and Brian Kogler, Fitch Construction, were not sure if the applicant mailed notifications out. Mark Lenzi stated those letters would have had to be mailed out by December 8, 2021. Acting Chairperson Melville said without notifications the Board will not be able to hear this application tonight.

A motion was made by Stephen Shelley to **table** the application of Ellen Stevens, owner of 181 Bailey Road to the January 2022 Zoning Board of Appeals meeting to afford the applicant time to send out neighborhood notifications. This is tabled without prejudice.

Seconded by Greg Colavecchia. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

ADJOURNMENT

There being no further business, a **Motion** was made by Stephen Shelley to adjourn the meeting at 7:27 p.m. **Seconded** by Ann Williams. **Motion carried to approve (4-0)**

Ayes: Greg Colavecchia, Dan Melville, Stephen Shelley, Ann Williams

Excused: Veronica Robillard

Respectfully submitted,

Carrie Fracassi
Recording Secretary